



Los Angeles County  
Department of Regional Planning


*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

January 22, 2015

TO: Hearing Officer, Alex Garcia

FROM: Jeantine Nazar   
Zoning Permits East Section

SUBJECT: **Project No. 2012-00400-(5)**  
**Conditional Use Permit No. 201200037**  
**HO Meeting: February 3, 2015**  
**Agenda Item: 4**

The applicant is seeking a Conditional Use Permit (CUP) for the continued operation and maintenance of a Convalescent Center, an Assisted Living Facility, and the construction of an Alzheimers Center in the C-2-DP-BE-U/C (Neighborhood Business – Development Program - Billboard Exclusion-Unilateral Contract) zone.

The case was heard on December 16, 2014 and the Hearing Officer continued the public hearing to February 3, 2015, so that staff would request a revised site plan, research the Unilateral Contract, and find permits for the Convalescent Center.

Staff has received a revised site plan and has modified the Conditions and Findings to include the terms of the Unilateral Contract.

If you need further information, please contact Jeantine Nazar at (213) 974-6435 or [jnazar@planning.lacounty.gov](mailto:jnazar@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM: JN

Attachments:  
Draft Findings and Conditions  
Revised Site Plan  
CUP 96002 Approval  
Unilateral Contract  
Alzheimers Center Landscape Plan

**DRAFT FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-00400 -(5)  
CONDITIONAL USE PERMIT NO. 201200037**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. R2012-00400 ("CUP") on December 16, 2014 and February 3, 2015.
2. The permittee, Park Marino Land Company LP ("Permittee"), requests the Project Permit to authorize the continued operation and maintenance of an existing Convalescent Center (Park Marino Health Center), an Assisted Living Facility (Terraces at Park Marino), and the construction of an Alzheimers Facility (Safe Haven) ("Project") within the C-2-DP-BE-U/C (Neighborhood Business – Development Program - Billboard Exclusion-Unilateral Contract) zone. The three facilities are defined in Title 22 as an adult residential facility. Pursuant to County Code Section 22.28.160, an adult residential facility is allowed in the C-2 zone, if a CUP has first been obtained.
3. The Project Site is 4.25 gross acres in size and consists of four legal lots. The Project Site is rectangular in shape with two driveways accessing from Washington Blvd. and Altadena Drive. The subject property has a flat topography and is developed with an adult residential facility and a convalescent residential facility.
4. The subject property is located at 2585-2587 and 2601 E. Washington Drive in the unincorporated community of Altadena ("Project Site") within the Altadena Community Standards District (CSD). The Project Site is comprised of four lots, which include two ingress and egress easements .33 acres in size (APNs: 5751-005-039 and 042), and two lots of 3.92 acres in area (APNs: 5751-005-041 and 045), for a total of 4.25 acres. The existing lots and the driveways are not tied together.
5. The Project Site is located in the Altadena Zoned District and is currently zoned C-2-DP-BE-U/C.
6. The subject property is located within the General Commercial (GC) land use category of the Altadena Land Use Policy Map of the Altadena Community Plan.
7. Surrounding Zoning within a 500-foot radius includes:  
  
North: R-1-7,500 (Single-Family Residence-7500 square feet minimum lot size)  
South: C-1 (Restricted Business), C-1-DP (Restricted Business Development Program), C-2 (Neighborhood Business), C-3 (Unlimited Commercial)  
East: City of Pasadena, Eaton Canyon Reservoir  
West: R-3 (Limited Multiple Residence), C-3
8. Surrounding land uses within a 500-foot radius include:

North: Jewish Temple, school, single-family dwellings  
South: Office buildings, medical building, convalescent hospital  
East: Eaton Canyon Reservoir and Nature Center  
West: Multi-family residences, parking, hair salon, café

9. The Project Site was rezoned in 1996 to C-2-DP-BE, and CUP 96002 and REA 201100258 were approved on the Project Site since the rezoning. Zone Change Case No. ZC 96002-(5) changed the zoning on the Project Site from C-2 (Neighborhood Business), R-1-7,500 (Single-Family Residential -7,500 square feet minimum lot size required), and R-3-5,000 (Limited Multiple Residence -5,000 square feet minimum lot size required) to its current zoning of C-2-DP-BE. The zone change amendment of Section 22.16.230 of the County Code Zoning Case 96002 included the Unilateral Contract signed between the neighbors and Park Marino Land company and changed the zoning to C-2-DP-BE-U/C. CUP 96002-(5) was concurrently approved to authorize the operation and maintenance of an existing convalescent hospital with a maximum of 99 beds and the construction of an 87-unit Assisted Living Facility and an Alzheimers Facility with 48 beds. Revised Exhibit "A" 201200258 approved on February 22, 2012, proposed new signage, reconfigured the parking lot, and reduced the size of the Alzheimers Facility from 24,830 square feet to 24,833 square feet and from 48 beds to 44 beds.
10. The site plan for the Project depicts three buildings with a total of 38 percent lot coverage, 35 percent landscaping, 21 percent pavement, and two percent driveway coverage. The existing three-story assisted living facility is located on the east side of the lot, and includes 87 units within 74,031 square feet of built area. The Assisted Living Facility accommodates efficiency apartments, one bedroom apartments, and apartments having one bedroom and a den. Each of these units has an efficiency kitchen and a full bathroom. The two-story Alzheimers Facility proposal on the west side with 26 units and 44 beds is 24,833 square feet in area. The one-story Convalescent Center is located in the middle with a maximum of 99 beds with 25,320 square feet of built area. The Convalescent Center and the Assisted Living Facility have been built; the Alzheimers Facility has not been constructed to date.
11. The Project Site is accessible via both E. Washington Blvd. to the south and Altadena Drive to the west through two separate driveways of 28'-8" feet and 26'-61" feet wide, respectively.
12. The original application proposed 62 parking spaces including eight (8) reserved for handicapped accessible. The REA approved in 2012 reconfigured the parking to provide a total of 66 parking spaces. The current permit proposes a total of 69 parking spaces, which includes six (6) handicapped accessible. The zoning code allows a maximum of 40 percent compact parking spaces. Section 22.52.1120 indicates that one parking space shall be provided for every resident for an adult residential facility permitted by any license or permit which allows the maintenance of such facility. Every adult residential facility shall have one automobile parking space for each staff member on the largest shift and one parking space for each vehicle used directly in conducting such use. CUP 96002 Condition Number 15 does

96002 Condition Number 15 does not allow residents to have access to personal vehicles. Two vans are available to provide transportation for the residents. The Project Site employs 70 employees with the largest employee shift of 40. The subject property includes 69 parking spaces. The Hearing Officer finds that the previous CUP 96002 condition not allowing residents to have access to personal vehicles shall be in place and a minimum of 69 parking spaces shall be available.

13. The Altadena Town Council recommends approval of the Project in their letter dated October 27, 2014.
14. The proposed Alzheimers Facility shall comply with the Altadena CSD requirements. The Altadena CSD does not have any specific requirements for properties located in the C-2 zone, and the subject property is not located within a specific area of the CSD. However, the intent and purpose of the Altadena CSD is to ensure that new and expanded structures are compatible in size and scale with the characteristics of surrounding residential neighborhoods, protecting the light, air, and privacy of existing single-family residences from negative impacts. The adult residential facility was established prior to the CSD, however, the step-back project design, setback areas, and landscaping meets the intent and purpose of the CSD. The proposed Alzheimers Facility is adjacent to the Temple and the Weizmann Day School. The site plan depicts a minimum of 16-foot setback area and a chain link fence 6-foot in height separating the two properties.
15. The County Department of Public Works ("Public Works") recommends approval of this Project and has recommended conditions of approval, which are included in the Project Conditions of Approval. The County Fire Department ("Fire Department") recommends approval of this Project because the Project will provide adequate fire access, water flow, and fire suppression technology. The County Department of Public Health ("Public Health") recommends approval of the Project and has no comments regarding this Project.
16. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, New Construction, Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the continued operation and maintenance of a convalescent hospital and an adult residential facility as well as the construction of a new Alzheimers Facility with 44 beds, which were previously approved.
17. Prior to the Hearing Officer's public hearing, the Department of Regional Planning ("Regional Planning") staff has not received any comments in favor or in opposition to the Project.
18. A duly noticed public hearing was held on December 16, 2014, before the Hearing Officer. The applicant's representative, Carolyn Seitz presented testimony in favor of the request and answered questions presented by the Hearing Officer. The permittee testified that the Project is well welcomed in the community and Park

Marino staff worked with the neighbors to address relevant issues. The permittee stated that the Unilateral Contract is a Board action and the approved Exhibit "A" in 1996 included the content of the Unilateral Contract. The permittee requested that Finding Numbers 27, 47, and the associated Conditions be eliminated and that the approval do not include an expiration date for this grant. The permittee requested eliminating the portion of Finding Number 30, which is associated with the housekeeping staff duties. Staff recommended to eliminate Finding Number 29 and to continue the hearing in order to verify the Unilateral Contract terms, the approved plans for the Park Marino Convalescent Center, and to revise the site plan depicting accurate information. There being no further testimony, the Hearing Officer continued the public hearing to February 3, 2015.

19. The Hearing Officer finds that the proposed project is consistent with the land use designation by providing services to elderly and senior citizens at community and regional levels. The site plan depicts 38 percent lot coverage. The total built area of 124,234 square feet is less than the total lot area of 185,130 square feet, and meets the 90 percent maximum requirement; and therefore, is consistent with the underlying land use category. The three-story residential facility of 34'-11" is not consistent with the GC land use designation requirement of a maximum of two stories. However, the General Plan requires the height of the proposed facilities not to exceed the general profile established by existing uses, and in no event exceed that of neighboring residential development. (Los Angeles County General Plan, Nov. 1980, Page III-36). The residential assisted living structure is compatible in height with the adjacent single-family dwelling and complies with the height requirement of the General Plan.
20. The Hearing Officer finds that the subject property meets the General Plan goals of developing a strong diversified economy and ensuring full employment. The subject facility provides employment to 70 employees of diverse backgrounds, such as doctors, nurses, administrators, gardeners, maintenance staff, cleaning crew and kitchen staff.
21. The Hearing Officer finds that the proposed project meets the General Plan requirement of preserving the specialized service and activities of regional significance. The Project provides 24-hour nursing and home care services to elderly that cannot live independently and serves the community as well as the region and is consistent with the General Plan requirement.
22. The Hearing Officer finds that the Project meets the Altadena Community Plan requirement for the continued operation of the existing commercial use, which strengthens the existing corridors and clusters of commercial, uses. The proposed project provides services to a total of 220 senior citizens in the following manner: a maximum of 99 elderly patients in the Park Marino Health Center, 44 patients in the Alzheimers Facility, and 87 Assisted Living Facility. The Project Site is located on Washington Blvd and Altadena Drive, two main corridors in Altadena. The subject senior citizen facility is one of the principal activity centers of these corridors as defined in the Plan.

23. The Hearing Officer finds that the Project entails distinctive qualities in its design, appearance and operation. CUP 96002 approved a 12'-6" setback on the north easterly portion, adjacent to the single-family dwellings. The current Exhibit "A" shows that the as built includes 13'-9" setback. Landscaping including climbing vines and trees are planted in the setback area next to the residences. The step-back floor levels provide daylight and an aesthetically compatible and unique architectural design. The Alzheimers Facility proposes similar architectural design. All three buildings include private gardens, which are on the northerly portion of the lot next to the residences and the Temple. Therefore, the Hearing Officer finds that the subject Alzheimers Facility and the Assisted Living Facility comply with the Altadena Community Standards District by protecting light, air and the privacy of the adjacent residents through step-back design, setback areas, and landscaping.
24. The Hearing Officer finds that the subject property has a total of ten (10) signs, which include monument signs and wall signs as depicted on the site plan and as approved by REA2011000258. Public Works finds that a monument sign is located on the dedicated public right-of-way on Altadena Drive.
25. The Hearing Officer finds that Building and Safety office records show that building permits were submitted in 1965 for a convalescent hospital and finalized in 1966. The convalescent hospital was located in R-1-7500 zone at that time. The Zoning Code in 1964 and 1965 indicates the following:
- If a permit has first been obtained as provided in Article 1 of Chapter 5, property in an residential zone may be used while such permit is in full force and effect and in conformity with the conditions of such permit for:
- a) Airport
  - b) Landing field
  - c) Radio transmitter stations
  - d) Radio transmitter towers
- Everything listed in each R zone was a by-right use. The Department of Regional Planning required plot plans in the 1960's for by-right uses. Regional Planning records do not include a site, floor, and elevation plans filed for the Park Marino Convalescent Center. The zone changed from R-1 to C-2 in 1996 requiring a CUP for an adult residential facility. This use is nonconforming and the amortization period will expire 35 years after the zone change or in 2031.
26. The Hearing Officer finds that the proposed landscape plan for the Alzheimers Facility includes five oak trees of the Oak genus (*Quercus Agrifolia*) identified on the proposed landscape plan. The plan does not include the size of the oaks.
27. The Hearing Officer finds that the Project Site is located adjacent to the Eaton Canyon Wash and the parking area adjacent to the wash and maybe subject to flooding issues.
28. The Hearing Officer finds that an Adult Residential facility means any facility which provides 24-hour a day nursing care and supervision to adults as defined per Code

Section 22.08.010 and licensed under the regulations of the State of California. The Hearing Officer finds that the Assisted Living Facility and the Convalescent Center have State licenses to operate. Both existing facilities are licensed by the State of California as adult residential facilities. The Alzheimers Facility is subject to State licensing.

29. The Hearing Officer finds that congregate dining will be provided for residents of both proposed facilities.
30. The Hearing Officer finds that the administrative staff, kitchen staff, housekeeping staff will be the same for all facilities.
31. The Hearing Officer finds that the subject property has 6 feet to 7 feet high masonry wall, wood fence, and chain link fence on the north side of the property as depicted on the site plan.
32. The Hearing Officer finds that Altadena Drive is a dedicated County roadway having a right-of-way of 85 feet in width and subject to road right-of-way dedication.
33. The Hearing Officer finds that the existing Assisted Living Facility and the Park Marino Health Center are developed adjacent to existing single-family residences. The proposed Alzheimers Facility will be developed on the westerly portion of the subject property adjacent to Altadena Drive and the Temple.
34. The Hearing Officer finds that the existing Assisted Living Facility design provides air, light and privacy by second and third floors stepped away design from single-family residences. There are no windows placed of the third floor adjacent to existing single-family residences (northerly side) except for bathroom and stairwell windows.
35. The Hearing Officer finds that CUP 96002 required the construction of a solid masonry wall eight feet in height along the northerly property line adjacent to existing single-family residences as well as the planting of appropriate landscaping for the purpose of establishing a visual buffer. The site plan does not depict the eight feet high masonry wall and the landscaping.
36. The Hearing Officer finds that the step-back design, the 13'-9" setback area on the north side of the property adjacent to residential uses, and the existing landscaping creates a buffer between the residential uses on the north side and commercial use and protects light, air and privacy.
37. The Hearing Officer finds that The Project Site contains 39 percent landscape coverage and exceeds the 10 percent requirement.
38. The Hearing Officer finds that the facility provides a drop off and pick up area for emergency ambulances.
39. The Hearing Officer finds that the Unilateral Contract, Z.C. 96-002, imposing land use restrictions is a Board Action that includes an agreement between the Meguiar

Residents and Park Marino Convalescent Center Inc., the permittee. A copy of the Unilateral Contract recorded on June 3, 1997 is attached for reference.

40. The Hearing Officer finds that the Unilateral Contract included the construction of an eight (8)-foot high masonry wall along the common property line with the Meguiar Residents living at 2686 East Meguiar and a six (6)-foot high masonry wall along the common property line with Meguiar Residents living at 2666 East Meguiar. The CUP 96002 Condition No. 25 requires that a solid masonry wall eight (8)-foot in height be constructed along the northerly property line adjacent to existing single-family residences. The Hearing Officer finds that the Unilateral Contract term and the CUP Condition pertaining to the masonry wall along the northerly side have not been met;
41. The Hearing Officer finds that a solid eight (8)-foot high masonry wall along the northerly property line adjacent to single-family residences will provide adequate buffering between the commercial and residential zone and it would enhance the aesthetics, while a combination of 6 to 8 feet high masonry wall and wood fence on the northerly side would not provide a uniform buffer.
42. The Hearing Officer finds that the trash enclosure for the Project is located near the southerly end of the easterly service drive, 48 feet from the common property line with the Meguiar Residents living at 2686 East Meguiar and the trash pick-up is after 7:00 a.m.
43. The Hearing Officer finds that the proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Project includes step-back architecture on the north side of the property and a 13'-9" setback area with landscaping, which creates a buffer between the commercial and residential use, and protects the peace, comfort or welfare of persons residing or working in the surrounding area.
44. The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project provides 66 parking spaces for employees (a maximum of 40 employees at the largest shift) and visitors. The subject site includes gardens and landscaping as well as landscape buffer zones, which separates the subject property from the adjacent lots.
45. The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The Project Site is served by Altadena Drive and Washington Blvd, two corridors located on the west and south sides of the property.



46. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Altadena community. On October 30, 2014, a total of 322 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as seven (7) notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.
47. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines (Class 3, New Construction categorical exemption); and
- 2. Approves Conditional Use Permit No 201200037, subject to the attached conditions.

MM: JN

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-00400-(5)  
CONDITIONAL USE PERMIT NO. 201200037**

**PROJECT DESCRIPTION**

The project is a request for a conditional use permit to allow the continued operation and maintenance of an adult residential facility, a nursing home, and an Alzheimer's center in the C-2 zone subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the adult residential facility, nursing home, and Alzheimer's center and satisfaction of Condition No. 2 shall be considered use of this grant.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **Fifteen (15) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement

efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **Three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **March 16, 2015**.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **Three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PROJECT SITE SPECIFIC CONDITIONS

18. This grant authorizes the continued operation and maintenance of a convalescent hospital and an adult residential facility and the construction of an Alzheimer's residential center.
- a. That a solid masonry wall eight feet in height shall be constructed and maintained along the northerly boundary of the subject property adjacent to the existing single-family residence lots prior to finalizing the building permits for the Alzheimers Facility, or prior to starting construction of the proposed facility and within one year of the approval date of this permit.
  - b. That the permittee shall contact the Los Angeles County Flood Control and the Building and Safety office and obtain any approvals, if necessary;
  - c. That the subject adult residential facility for Alzheimer patients shall be limited to a maximum capacity of 44 beds;
  - d. That the subject adult residential facility for senior citizens shall be limited to a maximum capacity of 87 residential units;
  - e. That the existing nursing home shall be limited to a maximum capacity of 99 beds;
  - f. That conversion of the adult residential facility to other uses not included within the definition of adult residential facility shall be prohibited unless a new conditional use permit has first been obtained;
  - g. That a minimum of seventy (69) parking spaces shall be continuously maintained on the subject property and shall comply with parking standards in Title 22;
  - h. That the permittee shall continuously comply with the terms of the Unilateral Contract Z.C. 96-002.
  - i. Dedicate road right of way, 40 feet from centerline, on Altadena Drive along the property frontage. An additional 5 feet of road right-of-way dedication is required;

- j. Reconstruct/construct driveway approaches to the site to comply with current Americans with Disabilities Act (ADA) guidelines and to the satisfaction of Public Works. Relocate any affected utilities;
- k. Close any unused driveways with standard curb, gutter, and sidewalk along the property frontage on Altadena Drive to the satisfaction of Public Works;
- l. Repair any improvements damaged during construction to the satisfaction of Public Works;
- m. Relocate the monument sign to outside of the dedicated road right-of-way on Altadena Drive;
- n. Reconstruct the fronting sidewalk to provide a minimum of five feet (5.5' measured from top of curb) walk adjacent to curb with transitioning around all fixed objects to accommodate ADA guidelines and to the satisfaction of Public Works;
- o. Submit street improvement plans and acquire street plan approval or direct check status before obtaining a grading or drainage permit;
- p. Execute an Agreement to improve for the street improvements prior to issuance of a building permit;
- q. That the proposed adult residential facility shall have second and third stories stepped away from existing single-family residence lots as depicted on floor and elevation plans approved by CUP96002;
- r. The permittee shall file for a Certificate of Compliance and tie Parcel Numbers 5751-005-039, 041, 042, and 045;
- s. The permittee shall comply with all conditions set forth in the attached County Public Works, Fire, Public Health, Department letters;
- t. That landscaping shall be planted and continuously maintained between the subject facilities and the adjacent residences. Said landscaping shall be designed to provide a visual buffer between the proposed adult residential facility and shall be depicted on a landscaping plan which must be depicted on the landscape plans;
- u. That the permittee shall include the size of the proposed oak trees on the landscape plan.

Attachments:

Fire/Public Works/Public Health Department Letters dated May 8, 2014, July 16, 2012, May 29, 2012

Attachments:

Fire/Public Works/Public Health Department Letters dated May 8, 2014, July 16, 2012,  
May 29, 2012

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
CONDITIONAL USE PERMIT NO. 96002-(5)

COMMISSION HEARING DATE: May 1, 1996

SYNOPSIS:

The applicant has requested approval of a change of zone and a conditional use permit to authorize the continued operation of an existing nursing home and to authorize the construction of a new adult residential facility for Alzheimers patients and an assisted living residential facility for senior citizens.

PROCEDURE BEFORE THE COMMISSION:

Three representatives of the applicant were sworn and testified in favor of the requested zone change and proposed development. One property owner residing northerly of the subject property was sworn and testified in opposition. She presented two letters of opposition which were written by neighboring property owners.

There being no further testimony, the Commission closed the public hearing and, by a vote of 5-0, instructed staff to prepare findings and conditions for approval.

FINDINGS:

1. The subject property is located at 2585 East Washington Boulevard within the Altadena community.
2. The area surrounding the subject property is developed with a convalescent hospital, medical offices and Saint Luke's Hospital to the south, single family residences and a Jewish Temple to the north, Eaton Canyon Wash to the east and multi-family and single family residences to the west.
3. The subject property is approximately 4.25 acres in size.
4. Access to the subject property is from the west via North Altadena Drive, a dedicated County roadway having a right-of-way 85 feet in width.
5. The subject property is depicted within the commercial category of the Countywide General Plan.
6. The subject property is depicted within the commercial category of the Altadena Community Plan.
7. The applicant's proposal is consistent with both the Altadena Community Plan and the Countywide General Plan.



8. The subject property is currently zoned C-2 (Neighborhood Business), R-1-7,500 (Single Family Residence-minimum required lot size 7500 square feet), and R-3-5,000 (Limited Multiple Residence-5000 square feet minimum required lot size). The applicant proposes to rezone the entire property to C-2-DP-BE (Neighborhood Business-Development Program-Billboard Exclusion).
9. The applicant has requested approval of a Conditional Use Permit to authorize the continued maintenance of an existing nursing home which has operated on the subject property for thirty years and to authorize the construction of a new adult residential facility for Alzheimers patients and an assisted living residential facility for senior citizens.
10. Section 22.08.010 of the Zoning Ordinance defines Adult Residential Facility as:

"Adult residential facility means any facility which provides 24-hour a day nonmedical care and supervision to adults as defined and licensed under the regulations of the State of California."
11. The proposed facilities are both licensed by the State of California as adult residential facilities. Residents of the proposed Alzheimers facility will have private rooms with no kitchens and bathrooms having no tub or shower. Shared bathing/showering facilities will be provided so that residents can be monitored by staff.
12. Residents of the assisted living facility will be accommodated in efficiency apartments, one bedroom apartments and apartments having one bedroom and a den. Each of these units will have an efficiency kitchen and full bathroom facilities.
13. Congregate dining will be provided for residents of both proposed facilities. Housekeeping staff will clean individual rooms as well as common area within the Alzheimer adult residential facility. Housekeeping staff will clean common areas only in the assisted living residential facility.
14. Administrative staff, kitchen staff, housekeeping staff will be the same for all facilities.
15. Two vans will be available to provide transportation for the residents. No residents will be allowed to have access to personal vehicles.

16. The applicant's proposal was presented to the Altadena Town Council by the applicant's representative Carolyn Ingram Seitz. A presentation was given to the Land Use Committee and to the Town Council as a whole. The proposed project received the support of the Town Council.
17. The applicant's proposal depicts the proposed two-story 48-bed Alzheimers facility westerly of existing nursing home adjacent to Altadena Drive and the proposed three-story 87-unit assisted adult residential facility located adjacent to the easterly boundary of the property. Sixty-two parking spaces are depicted.
18. One off-street parking space must be provided for each resident of the existing nursing home and one parking space for each staff member on the largest shift at each of the adult residential facilities as well as one parking space used directly in operating the adult residential facilities per Section 22.52.1120 of the Zoning Ordinance.
19. The proposed facility appears to have well-landscaped outdoor recreational space for the residents.
20. The opponent to the applicant's proposal was under the mistaken impression that the proposed Alzheimers facility would be developed adjacent to existing single family residences.
21. The proposed adult residential facility will be developed adjacent to existing single family residences.
22. The proposed Alzheimers facility will be developed on the westerly portion of the subject property adjacent to Altadena Drive and existing residences will be buffered by the existing three-story Jewish Temple.
23. The opponent to the applicant's proposal objected to the three-story height of the proposed adult residential facility.
24. The proposed adult residential facility will have second and third floors stepped away from the existing single family residences. The placement of windows on the third floor adjacent to existing single family residences (northerly side) will be prohibited except for bathroom and stairwell windows.
25. The conditions of the grant will require construction of a solid masonry wall eight feet in height along the northerly property line adjacent to existing single family residences as well as the planting of appropriate landscaping for the purpose of establishing a visual buffer.

26. An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental or service factor and, as a result, will not have a significant effect on the physical environment

BASED ON THE FOREGOING, THE COMMISSION CONCLUDES:

- A. The requested use is consistent with the adopted general plan.
- B. As modified and with the attached restrictions and conditions, the requested use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

COMMISSION ACTION:

1. The Regional Planning Commission approves the negative declaration for the project, certifies that it has reviewed and considered the environmental information contained in the Initial Study, and determines that the proposed project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use Permit No. 96002-(5) is GRANTED with the attached conditions.

VOTE: 5-0

Concurring: Toy, Clark, Guido, Russell, Wulliger

Dissenting: 0

Abstaining: 0

Absent: 0

Date of Action: June 5, 1996

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65907. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by permittee according to Los Angeles County Code Section 2.170.010.

- 5. This grant will expire unless used within two years from the date of approval. A one year time extension may be requested before the expiration date.
- 6. This grant will terminate on May 1, 2016.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.

- 7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$1,000.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for ten inspections.

If any future inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

- 8. This grant authorizes the continued operations of the existing nursing home, the development of a two-story 48-bed adult residential facility for Alzheimers patients and the development of a three-story 87-unit adult residential facility of senior citizens subject to the following restrictions as to use:
  - a. That all residents of the subject facilities are prohibited from keeping or maintaining personal vehicles on the subject property;

- b. That the subject adult residential facility for alzheimer patients shall be limited to a maximum capacity of 48 beds;
- c. That the subject adult residential facility for senior citizens shall be limited to a maximum capacity of 87 residential units;
- d. That the existing nursing home shall be limited to a maximum capacity of 99 beds;
- e. That conversion of the adult residential facility to other uses not included within the definition of adult residential facility shall be prohibited unless a new conditional use permit has first been obtained; and
- f. That a minimum of sixty-two off-street parking spaces shall be continuously maintained on the subject property.
- g. That a solid masonry wall eight feet in height shall be constructed and maintained along the northerly boundary of the subject property adjacent to existing single family residence lots (2662, 2666, 2676, 2686, and 2694 East Meguiar Drive) prior to commencement of construction of the proposed adult residential facility.
- h. That landscaping shall be planted and continuously maintained between the proposed adult residential facility and the required solid masonry wall eight feet in height adjacent to existing single family residence lots. Said landscaping shall be designed to provide a visual buffer between the proposed adult residential facility and shall be depicted on a landscaping plan which must be approved by the Director of Planning prior to issuance of building permits.
- i. That the proposed adult residential facility shall have second and third stories stepped away from existing single family residence lots as depicted on renderings and elevations which must be approved by the Director of Planning prior to issuance of building permits.
- j. That the placement of windows on the third floor of the proposed adult residential facility adjacent to existing single family residence lots (northerly side) shall be prohibited except for bathroom and stairwell windows.

9. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
11. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works. Drainage plans and two signed grading plans shall be submitted to the Department of Public Works for approval before grading or construction.
12. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
13. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
15. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage by the close of the next business day following such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.

# COX, CASTLE & NICHOLSON, LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

## LAWYERS

2049 CENTURY PARK EAST

TWENTY-EIGHTH FLOOR

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RICHARD N. CASTLE  
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OUR FILE NO:

28126

WRITER'S DIRECT DIAL NUMBER

310/284-2269

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AMY H. WELLS  
SCOTT D. BROOKS  
GARY P. DOWNS  
VALERIE L. FLORES  
HERBERT J. KLEIN  
CAROLE G. PACKARD  
DAVID S. ROSENBERG  
SUSAN S. DAVIS  
LISA A. WEINBERG  
CYNTHIA K. SIMONS  
SHARON L. TAMIYA  
ESTELLE M. BRAAF  
PRESTON W. BROOKS  
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SHERRY M. DU PONT  
SCOTT PRICE  
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JONATHAN SCARS  
SCOTT L. GROSSFELD  
ROBERT M. MAIGHT, JR.  
MARK T. LAMMAS  
ANNE-MARIE READER  
JOHN D. ROSENFELD  
CHRISTOPHER E. JONES  
JUDY MAN-LING LAM  
EDWARD F. QUIGLEY III  
DANIEL J. VILLALFANDO  
KEVIN J. CRADTREE  
OWAYNE P. MCKENZIE  
SETH I. WEISSMAN  
MARIA V. BERNSTEIN  
CLARK J. DUELLMAN

A PROFESSIONAL CORPORATION

June 15, 1997

Mr. Garrett Loubé  
Vice President  
Diversified Health Services, Inc.  
1433 Webster Street, Suite 204  
Oakland, CA 94612

Re: Park Marino Convalescent Center -  
Unilateral Contract

Dear Garrett:

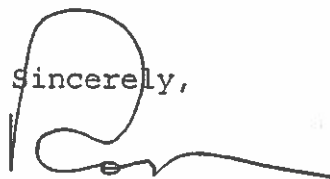
Enclosed is a copy of the recorded Unilateral Contract.

Within the next couple of days, I am expecting to receive from Rick Weiss material from the County Clerk that confirms the adoption by the Board of Supervisors of Zone Change 96-002-(5).

As always, if you have any questions, please let me know.

Best regards.

Sincerely,



Ronald I. Silverman

RIS/klh  
Encl.  
cc: Ms. Carolyn Ingram-Seitz (w/encl.)



RECORDING REQUEST /  
County Counsel of Los Angeles  
County

97 823270

WHEN RECORDED MAIL TO

NAME Cox, Castle & Nicholson, LLP  
MAILING ADDRESS 2049 Century Park East  
28th Floor  
CITY, STATE Los Angeles, CA 90067  
ZIP CODE

RECORDED/FILED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA

2:41 PM JUN 03 1997

D.A. FEE Code 20 \$ 2

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

UNILATERAL CONTRACT  
IMPOSING LAND USE RESTRICTIONS  
Z.C. 96-002-(5)

FEE \$ 28 Y

RECORDING REQUESTED BY:

County Counsel of Los Angeles County

AFTER RECORDATION, RETURN TO:

Cox, Castle & Nicholson  
Attn: Ronald I. Silverman, Esq.  
2049 Century Park East, 28th Floor  
Los Angeles, CA 90067

UNILATERAL CONTRACT  
IMPOSING LAND USE RESTRICTIONS  
Z.C 96-002-(5)

Park Marino Convalescent Center, Inc., a California corporation DBA Park Marino Health Center ("Declarant") controls that certain real property located in the County of Los Angeles (the "County"), State of California, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

Declarant is undertaking an expansion of the facilities on the Property which will include an Alzheimers Facility on the westerly, Altadena Drive, portion of the Property, and an Assisted Living Facility on the easterly, Eaton Canyon Wash, end of the Property. As part of the expansion, the County has processed Zone Change Case No. 96-002-(5) (the "Zone Change") on the Property, changing the zoning from C-2, R-1-7500 and R-3 to C-2-DP-BE.

During the County's processing of the Zone Change, Declarant met with certain of its neighbors from Meguiar Street (the "Meguiar Residents") to address the Meguiar Residents' concerns regarding the proposed expansion. As a result of its meetings with the Meguiar Residents and as a condition to the approval of the Zone Change, Declarant agreed to enter into this Unilateral Contract ("Contract").

Declarant hereby makes the following declaration of covenants, conditions, restrictions, limitations, rights and uses to which the Property shall be subject; each and all of the covenants, conditions, restrictions, limitations, rights and uses contained herein shall run with the land and shall be binding on Declarant, its successors and assigns and all subsequent owners of all or any part of the Property.

1. The Meguiar Residents shall be provided with a 24 hour phone number to call with any complaints or concerns. The current number, 213/681-2223, is the number of the Administrator at Park Marino (the "Project"), William "Bill" Kite.

2. Monthly meetings will be arranged between the Project Administrator and the Meguiar Residents, if requested by the Meguiar Residents.

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3. Subject to existing easements affecting the Property, Declarant agrees to move the Assisted Living Facility as far south on the Property as the County Fire Department will allow, leaving room along the south boundary for appropriate fire access and landscaping.

4. Subject to existing easements affecting the Property, Declarant shall utilize the northerly end of the ground floor of the west wing of the Assisted Living Facility for a pantry and/or storage facility, and agrees to place the laundry facility at the southwest end of the kitchen/service area of the building.

5. Subject to existing easements affecting the Property, the trash enclosure for the Project shall be relocated from the northerly end of the easterly service drive to a place nearer the southerly end of the easterly service drive, away from the common property line with the Meguiar Residents living at 2686 East Meguiar (currently the Bohlen family), and will construct an enclosure for the relocated trash containers. Declarant shall request the trash company to pick trash up after 7:00 a.m.

6. The masonry wall to be constructed along the common property line with the Meguiar Residents living at 2686 East Meguiar (currently the Bohlen family) will be eight (8) feet in height (measured on Declarant's side of the wall).

7. Declarant agrees to plant a tree near the northeast corner of the west wing of the Assisted Living Facility.

8. The second floor of the west wing of the Assisted Living Facility will be setback from the first floor in accordance with the site plans reviewed by the parties at their meeting of November 4, 1996 (prepared by HKIT and on file at the Los Angeles County Department of Regional Planning). An exact setback distance is not specifically called out because the building will be moved a few feet south as well. In addition, the third story of the west wing of the Assisted Living Facility will also be setback from the second story as shown on floor plans prepared by HKIT and as shown on the model used as a visual tool at the meeting (to be located in Declarant's offices).

9. On the northwest corner of the west wing of the Assisted Living Facility, the second and third floor windows will be clerestory only.

10. The stairwell windows on the second and third story of the west wing of the Assisted Living Facility will be fixed and translucent.

11. On the northeast corner of the west wing of the Assisted Living Facility, windows will be clerestory or a translucent casement type opening to the west, thus providing a view orientation to the east.

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12. Declarant agrees to research placement and location of the sewer line serving the Property and will make a reasonable effort to persuade the Property owner to allow a sewer line easement for the benefit of the Meguiar Residents. If approval is obtained from the Property owner, the Meguiar Residents will be responsible for any and all costs associated with installation, design and construction of a sewer line to connect to the line required for development of the proposed expansion of Declarant's Project and for any and all costs associated with any installation, design and construction (including oversizing) of the Project's sewer line required by the projected volumes of waste and waste water anticipated to be contributed from the Meguiar Resident's connection to the Project's sewer line.

13. The building height of the Assisted Living Facility will be thirty-five (35) feet, excluding rooftop equipment, such as air conditioning and elevator equipment. All rooftop equipment will be screened as required by County ordinance and the air conditioning equipment will be placed as far south on the west wing as practical.

14. Declarant agrees to remove the wooden fence at the rear of 2666 East Meguiar (currently Theodora Arnold's residence) and agrees to install a new masonry wall along their common property boundary. The wall will be six (6) feet in height (measured on Ms. Arnold's side of the wall). Declarant further agrees to use the wood from Ms. Arnold's existing fence to replace the wooden gate on the dog run on the south side of her home. The masonry wall will be built to assure that drainage of Ms. Arnold's property will not be inhibited.

15. The terms and conditions of Sections 1, 2 and 5 above shall become effective immediately upon the recordation of this Contract. The terms and conditions of Sections 3, 4 and 6 through 14 shall become effective upon commencement of construction of either the Assisted Living Facility or the Alzheimers Facility, whichever occurs first.

16. The terms and conditions of this Contract and the declaration of covenants, conditions, restrictions, limitations, rights and uses contained herein with respect to Sections 3, 4 and 6 through 14 shall terminate and be of no further force or effect when the buildings contained in the Assisted Living Facility and the Alzheimers Facility are demolished and not replaced with similar facilities; provided, however, the terms and conditions of this Contract and the declaration of covenants, conditions, restrictions, limitations, rights and uses contained herein with respect to Sections 1, 2 and 5 and this Section 16 through 20 shall continue to remain in full force and effect.

17. The County of Los Angeles shall have the right to enforce, by proceedings at law or in equity, all of the provisions imposed by this Contract, including without limitation, the right to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of said

provisions, to enjoin or prevent them from doing so and to cause said violation to be remedied.

18. If Declarant defaults in the performance or observation of any provisions of this Contract, Declarant agrees to pay the County of Los Angeles all costs and fees incurred, including reasonable attorney's fees, regardless of whether legal proceedings are instituted. In case a suit is instituted, Declarant shall also pay the costs of suit, in addition to the aforesaid costs and fees.

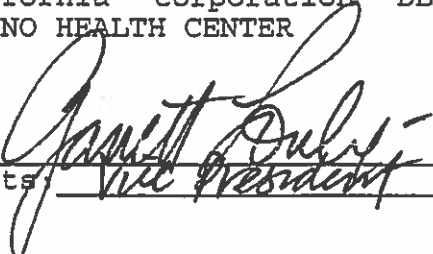
19. The failure of the County to enforce any of the provisions imposed by this Contract shall not constitute a waiver of the right to enforce the same thereafter.

20. The provisions of this Contract shall inure to the benefit of and be binding upon all of Declarant's assigns, transferees, heirs and successors in interest.

21. An executed copy of this Contract shall be returned to the County Counsel along with the date of the Contract's recordation and the recording information.

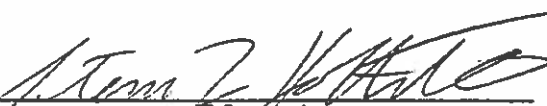
PARK MARINO CONVALESCENT CENTER, a  
California corporation DBA PARK  
MARINO HEALTH CENTER

DATED: 5/30, 1997

By:   
Its: Vice President

The undersigned, as the owner of the Property, hereby agrees to be bound by the terms and conditions of Sections 3, 4, 6 through 11, 13, 14, the second sentence of Section 15, Section 16 (deleting any references to Sections 1, 2 and 5) and 17 through 21 of the foregoing Unilateral Contract and agrees to its recordation.

A.V. WAGNER GRANDCHILDREN'S TRUST

By:   
Steven L. Hollstein  
Its: Trustee

97 823270

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Orange )

On May 21, 1997, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Steven L. Hollstein, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument.

WITNESS my hand and official seal.

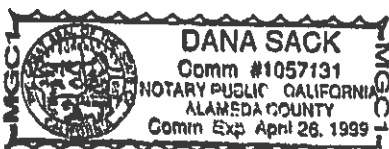


Diane L. Heilmann  
Notary Public

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Alameda )

On May 30, 1997, 1997, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Garrett Loube, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument.

WITNESS my hand and official seal.



Dana Sack  
Notary Public

97 823270

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EXHIBIT "A"

PARCEL 1:

THAT PORTION OF LOT 1 IN BLOCK "C" OF THE BONESTELL TRACT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4 PAGE 572 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN A LINE THAT IS PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 1 AND NORTHERLY 1109.24 FEET FROM IT, MEASURED PARALLEL WITH THE WESTERLY LINE OF SAID LOT 1, SAID POINT BEING NORTH 89° 45' EAST ALONG SAID PARALLEL LINE 353.69 FEET FROM THE CENTER LINE OF FOOTHILL BOULEVARD AS SHOWN ON COUNTY SURVEYOR'S MAP NO. C.S.B. 1357, SHEET 2 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER OF SAID COUNTY; THENCE ALONG SAID PARALLEL LINE NORTH 89° 45' EAST 291.21 FEET; THENCE PARALLEL WITH SAID CENTER LINE OF FOOTHILL BOULEVARD NORTH 1° 30' EAST 20.00 FEET; THENCE PARALLEL WITH SAID SOUTHERLY LINE OF LOT 1, NORTH 89° 45' EAST 215.95 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN PARCEL 1 OF THE DEED TO C.E. CARVER AND WIFE, RECORDED ON OCTOBER 31, 1950 AS INSTRUMENT NO. 1662 IN BOOK 34694 PAGE 183, OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 0° 15' 00" WEST 16.00 FEET; THENCE PARALLEL WITH SAID SOUTHERLY LINE OF LOT 1, NORTH 89° 45' EAST 66.02 FEET, MORE OR LESS, TO THE NORTHEASTERLY LINE OF THE PARCEL OF LAND CONSISTING OF 0.55 ACRES, MORE OR LESS, DESCRIBED AS AN EXCEPTION FROM PARCEL 49" IN A FINAL JUDGMENT RECORDED IN BOOK 15488 PAGE 167, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 30° 38' 20" WEST 205.09 FEET, MORE OR LESS, TO SAID NORTHERLY LINE OF LOT 1; THENCE ALONG SAID NORTHERLY LINE, SOUTH 89° 36' 35" WEST 791.12 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WESTERLY LINE OF SAID LOT 1, SOUTH 1° 30' WEST 185.00 FEET; THENCE PARALLEL WITH SAID SOUTHERLY LINE OF LOT 1, NORTH 89° 45' EAST 328.69 FEET TO A LINE BEARING NORTH 1° 30' EAST PARALLEL WITH SAID WESTERLY LINE OF LOT 1 AND WHICH PASSES THROUGH THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ALONG SAID LAST MENTIONED PARALLEL LINE, SOUTH 1° 30' WEST 26.03 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES, INCLUDING BUT NOT LIMITED TO, AN EASEMENT FOR PRIVATE ROAD PURPOSES, OVER THAT PORTION OF LOT 1 IN BLOCK C OF THE BONESTELL TRACT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4 PAGE 572 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF LOT 1, AND NORTHERLY 1109.24 FEET FROM IT, MEASURED PARALLEL WITH THE WEST LINE OF SAID LOT 1, SAID POINT BEING NORTH 89° 45' EAST ALONG SAID PARALLEL LINE 353.69 FEET FROM THE CENTER LINE OF FOOTHILL BOULEVARD AS SHOWN ON COUNTY SURVEYOR'S MAP NO. C.S.B. 1357, SHEET 2 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID

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COUNTY, THENCE PARALLEL WITH THE WEST LINE OF SAID LOT 1, NORTH 1° 30' EAST 26.03 FEET, MORE OR LESS, TO A LINE PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, AND WHICH PASSES THROUGH A POINT IN THE WEST LINE OF SAID LOT 1, THAT IS DISTANT ALONG SAID WEST LINE SOUTH 1° 30' WEST 185.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG SAID LAST MENTIONED PARALLEL LINE, SOUTH 89° 45' 00" WEST 328.69, MORE OR LESS, TO THE WEST LINE OF SAID LOT 1; THENCE ALONG SAID WEST LINE, SOUTH 1° 30' WEST TO A LINE PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, AND WHICH PASSES THROUGH THE POINT OF BEGINNING OF THIS DESCRIPTION; THEN ALONG SAID LAST MENTIONED PARALLEL LINE, NORTH 89° 45' EAST TO SAID POINT OF BEGINNING.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES INCLUDING BUT NOT LIMITED TO, AN EASEMENT FOR PRIVATE ROAD PURPOSES, AND FOR THE INSTALLATION OF WATER LINES, FUEL LINES, UNDERGROUND TELEPHONE LINES, AND ANY OTHER PUBLIC UTILITY OVER THAT PORTION OF LOT 1 IN BLOCK "C" OF THE BONESTELL TRACT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4 PAGE 572, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 AND NORTHERLY 1109.24 FEET FROM IT, MEASURED PARALLEL WITH THE WEST LINE OF SAID LOT 1, SAID POINT BEING NORTH 89° 45' EAST ALONG SAID LINE 353.69 FEET FROM THE CENTER LINE OF FOOTHILL BOULEVARD AS SHOWN ON COUNTY SURVEYOR'S MAP NO. C.S.B. 1357, SHEET 2, ON FILE IN THE OFFICE OF THE COUNTY ENGINEER; THENCE ALONG SAID LAST MENTIONED PARALLEL LINE, SOUTH 89° 45' 00" WEST 28.69 FEET TO A POINT THAT IS DISTANT ALONG SAID PARALLEL LINE NORTH 89° 45' 00" EAST 300.00 FEET FROM THE WEST LINE OF SAID LOT 1; THENCE ALONG A LINE PARALLEL WITH THE CENTER LINE OF FOOTHILL BOULEVARD, AS SHOWN ON SAID COUNTY SURVEYOR'S MAP NO. C.S.B. 1357, SOUTH 1° 30' WEST TO THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES, RECORDED DECEMBER 6, 1961 AS INSTRUMENT NO. 4798, IN BOOK D-1442 PAGE 661, OFFICIAL RECORDS, IN SAID COUNTY; THENCE EASTERLY ALONG SAID LAST MENTIONED NORTHERLY LINE TO A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 1 AND WHICH PASSES THROUGH THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ALONG SAID LAST MENTIONED PARALLEL LINE, NORTH 1° 30' EAST TO SAID POINT OF BEGINNING.